

Public HearingNovember 1, 2011

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, November 1st, 2011.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid-Nagy, Michele Rule and Luke Stack.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort; Manager, Real Estate Services, Jordan Hettinga*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:02 p.m.

Mayor Shepherd advised that Agenda Item 3.7 will be deferred to the November 29, 2011 Public Hearing.

2. Mayor Shepherd advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2030 - Official Community Plan* Bylaw No. 10500" and "Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on October 14, 2011 and by being placed in the Kelowna Daily Courier issues of October 24, 2011 and October 25, 2011, and in the Kelowna Capital News issue of October 25, 2011, and by sending out or otherwise delivering 2,367 letters to the owners and occupiers of surrounding properties between October 14, 2011 and October 21, 2011. For convenience, information regarding this Public Hearing is also available at kelowna.ca.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy 309.

3. INDIVIDUAL BYLAW SUBMISSIONS

- 3.1 Bylaw No. 10611 (Z11-0064) - Gyula & Gyongi Schweigert (Gyula Schweigert) - 1340 Chichester Court - THAT Rezoning Application No. Z11-0064 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A, Section 35, Township 26, ODYD, Plan 36846 at Chichester Court, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone, be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT a building permit for the suite be applied for prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subject to the requirements of the Development Engineering branch & BMID completed to their satisfaction.

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The City Clerk advised that the following correspondence and/or petitions had been received:

- Letter of Concern:
 - Thomas Graham, 1320 Chichester Court

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Gyula Schweigert, Applicant

- Would like to construct a secondary suite for use by his disabled daughter which would enable her to live a more independent life as she requires daily supervision and care.
- Advised that he purchased the property back in 1990 and that the accessory building was already constructed when he purchased the property.
- Advised that due to previous renovations that have already been conducted on the principle residence, it can no longer be added onto.
- Believes that the best solution is to construct the secondary suite within an accessory building.
- Addressed the concerns expressed in Mr. Graham's letter.
- Advised that he did not meet, or discuss the proposed rezoning, with Mr. Graham.

Staff:

- Confirmed that the Applicant has met all of the setback criteria with respect to the addition to the accessory building.

Gallery:

Tom Graham, Owner of 1320 Chichester Court

- Advised that his main concern is over-building on the property.
- Believes that the site plan displayed by staff is incorrect.
- Expressed a concern with the wetland in the area.

Staff:

- Confirmed that the Applicant is in compliance with the setback requirements for the wetland in the area.
- Advised that staff consider the side yard setback to be legally non-conforming dating back to when the property was in the Regional District.
- Advised that the City's regulations allow for 40% site coverage on the subject property and that currently there is only 15% site coverage.

There were no further comments.

- 3.2 Bylaw No. 10612 (Z11-0044) - Reynald & Jennifer Grande - 410 Woods Road - THAT Rezoning Application No. Z11-0044 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 5, Sec. 22, Twp. 26, O.D.Y.D., Plan 27146, located on Woods Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with secondary suite zone, be considered by Council.

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

AND THAT the suite be eligible for final occupancy prior to final adoption of the zone;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of Rutland Waterworks District and FortisBC being completed to their satisfaction.

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The City Clerk advised that no correspondence and/or petitions had been received.

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Reynald Grande, Applicant

- Would like Council to support his rezoning application in order to legalize the secondary suite.
- Advised that he is willing to bring the suite into compliance with the BC Building Code.

There were no further comments.

- 3.3 Bylaw No. 10613 (TA11-0006) - City of Kelowna - Miscellaneous Housekeeping Text Amendments for City of Kelowna Zoning Bylaw No. 8000 - THAT Zoning Bylaw Text Amendment No. TA11-0006 to amend City of Kelowna Zoning Bylaw No. 8000, as outlined in Schedule 'A' of the report of the Land Use Management Department dated September 16, 2011 be considered by Council.

AND THAT Zoning Bylaw Text Amendment No. TA11-0006 be forwarded to a Public Hearing for further consideration.

Staff:

- Confirmed that the proposed housekeeping amendments to the City's Zoning Bylaw are required as a result of the adoption of the Kelowna 2030 Official Community Plan.

The City Clerk advised that no correspondence and/or petitions had been received.

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

- 3.4 Bylaw No. 10614 (Z11-0054) - Jonathan Wilson - 2539 Beetlestone Drive - THAT Rezoning Application No. Z11-0054 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 7, DL 130, O.D.Y.D., Plan 23696, located on Beetlestone Drive, Kelowna, BC from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with secondary suite zone, be considered by Council.

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT a building permit for the suite be applied for prior to final adoption of the zone.

The City Clerk advised that no correspondence and/or petitions had been received.

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Jonathan Wilson, Applicant

- Advised that he approached all seven (7) of his neighbours and each signed a document noting that they understand the rezoning application and have no objections.
- Advised that he has documentation from Interior Health Authority stating that it does not have any objections to the rezoning application provided that the sewer is connected.

- Confirmed that he has made the necessary arrangements to have the sewer connected.

There were no further comments.

- 3.5 Bylaw No. 10615 (Z11-0068) - Ecer Construction Surveys (2005) Ltd. - 840 Raymer Avenue - THAT Rezoning Application No. Z11-0068 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 4, District Lot 135, ODYD Plan 8268, located on Raymer Avenue, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1s- Large Lot Housing with Secondary Suite zone, be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT the suite be eligible for final occupancy prior to final adoption of the zone;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

The City Clerk advised that no correspondence and/or petitions had been received.

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Daljit Dhoot, Owner of Ecer Construction Surveys (2005) Ltd., Applicant

- Advised that the suite was already in existence when he purchased the property and confirmed that he wishes to comply with the City's bylaw regulations.

There were no further comments.

- 3.6 Bylaw No. 10616 (Z11-0067) - Miyuki & Randy Lindeboom (Randy Lindeboom) - 4634 Darin Place - THAT Rezoning Application No. Z11-0067 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 19, District Lot 357, ODYD, Plan KAP57058 located on 4634 Darin Place, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone, be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT a building permit for the suite be applied for prior to final adoption of the zone.

The City Clerk advised that the following correspondence and/or petitions had been received:

- o Letter of Concern:
 - Joan & Mark McGowan, 4638 Darin Place

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Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Staff:

- Confirmed that the parking requirements have been met.

- 3.7 Bylaw No. 10617 (OCP11-0003) and Bylaw No. 10618 (Z11-0033) - OCORP Development Ltd. (PC Urban Properties) - 1966-1968 Kane Road - THAT OCP Bylaw Amendment No. OCP 11-0003 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of a portion of Lot 44, Section 33, Township 26, ODYD, Plan KAP48643, located at 1966-1968 Kane Road, Kelowna, BC from the Multiple Unit Residential (Medium Density) designation to the Commercial designation, as shown on Map "A" attached to the report of Land Use Management Department dated September 23, 2011, be considered by Council;

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Land Use Management Department dated September 23, 2011;

AND THAT Rezoning Application No. Z11-0033 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of portions of Lot 44, Section 33, Township 26, ODYD, Plan KAP48643, located at 1966-1968 Kane Road, Kelowna, BC from the A1 - Agriculture 1 zone to the C3 - Community Commercial, RM3 - Low Density Multiple Housing and RM5 - Medium Density Multiple Housing zones, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch and Glenmore-Elison Improvement District being completed to their satisfaction;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit on the subject property.

Mayor Shepherd advised that Agenda Item No. 3.7 will be deferred to the November 29, 2011 Public Hearing.

- 3.8 Bylaw No. 10606 (OCP09-0017) and Bylaw No. 10607 (Z09-0079) - Natisa Development Corporation (City of Kelowna) - 3471 Lakeshore Road - THAT Development Permit No. DP09-0160 and Development Variance Permit No. DP09-0161 for Lot 3, District Lot 134, ODYD, Plan 38150; Lot 39, District Lot 134, ODYD, Plan 3886 except Plan KAP76671; Lot 38, District Lot 134, ODYD, Plan 3886 except Plan 40525; Lot 37, District Lot 134, ODYD, Plan 3886 except Plan 40525; Lot 36, District Lot 134, ODYD, Plan 3886; located at 3441, 3451, 3461 & 3471 Lakeshore Road, Kelowna, BC be rescinded by Council;

AND THAT Official Community Plan Bylaw Amendment Application No. OCP09-0017 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 36 District Lot 134 ODYD Plan 3886 located at 3471 Lakeshore Road, Kelowna BC from the Mixed-Use (Residential/Commercial) designation to the Single/Two Unit Residential designation as shown on Map "A" attached to the report of Land

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Use Management Department, dated September 2, 2011, be considered by Council;

AND THAT Rezoning Application No. Z09-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 36 District Lot 134 ODYD Plan 3886 located at 3471 Lakeshore Road, Kelowna BC, from the C9 - Tourist Commercial zone to the RU6 - Two Dwelling Housing zone, be considered by Council;

AND FURTHER THAT the Official Community Plan Bylaw Amendment Application No. OCP09-0017 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

Staff:

- Confirmed that this application was deferred from the October 18, 2011 Public Hearing and provided a brief overview of the proposed rezoning application.
- Confirmed that there were several conversations with the mortgage holder and the developer with respect to this application and that all of the parties involved were aware that the application would be considered by Council during the November 1, 2011 Public Hearing.

The City Clerk advised that no correspondence and/or petitions had been received.

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

4. TERMINATION:

The Hearing was declared terminated at 6:43 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk